

APPEAL, BILL_OF_COSTS, CLOSED, DIVERSITY, SP, UA

**U.S. District Court
Western District of Wisconsin (Madison)
CIVIL DOCKET FOR CASE #: 3:09-cv-00470-bbc
Internal Use Only**

Denil et al v. deBoer Inc. et al
Assigned to: District Judge Barbara B. Crabb
Referred to: Magistrate Judge Stephen L. Crocker
Cause: 28:1332 Diversity-Breach of Contract

Date Filed: 07/27/2009
Date Terminated: 09/23/2010
Jury Demand: Plaintiff
Nature of Suit: 190 Contract: Other
Jurisdiction: Diversity

Plaintiff

Peter Denil

represented by **Ralph George Burnett**
Liebmann, Conway, Olejniczak & Jerry,
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Plaintiff

Gerald Nardella

represented by **Ralph George Burnett**
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LEAD ATTORNEY
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Kurt A. Goehre
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant**deBoer Inc.**

represented by **Donald Karl Schott**
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Defendant**deBoer Transportation Inc.**

represented by **Donald Karl Schott**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Matthew J. Duchemin
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ATTORNEY TO BE NOTICED

Matthew J Splitek
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Defendant**deBoer Capital Associates Inc.**

represented by **Donald Karl Schott**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Matthew J. Duchemin
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ATTORNEY TO BE NOTICED

Matthew J Splitek
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Defendant

Ronald DeBoer

represented by **Matthew J. Duchemin**
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ATTORNEY TO BE NOTICED

Matthew J Splitek
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ATTORNEY TO BE NOTICED

Counter Claimant

deBoer Inc.

represented by **Donald Karl Schott**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Matthew J. Duchemin
(See above for address)
ATTORNEY TO BE NOTICED

Counter Claimant

deBoer Transportation Inc.

represented by **Donald Karl Schott**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Matthew J. Duchemin
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Counter Claimant

deBoer Capital Associates Inc.

represented by **Donald Karl Schott**
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LEAD ATTORNEY
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Matthew J. Duchemin
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V.

Counter Defendant**Peter Denil****Counter Defendant****Gerald Nardella**

Date Filed	#	Docket Text
07/28/2009	<u>1</u>	COMPLAINT against all defendants (Filing fee \$ 350 receipt number 07580000000000403926.), filed by all plaintiffs. (Attachments: # <u>1</u> JS-44 Civil Cover Sheet, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Summons) (Burnett, Ralph) Modified on 7/29/2009;summons forms not filled out completely (mmo). (Entered: 07/28/2009)
07/28/2009		Case assigned to Chief Judge Barbara B. Crabb and Magistrate Judge Stephen L. Crocker. (rep) (Entered: 07/28/2009)
07/28/2009		Standard attachments for Judge Barbara B. Crabb required to be served on all parties with summons or waiver of service: NORTC , Briefing Guidelines , Corporate Disclosure Statement , Order on Dispositive Motions . (rep) (Entered: 07/28/2009)
07/28/2009		Summons Issued as to deBoer Inc., deBoer Transportation Inc., deBoer Capital Associates Inc. (rep) (Entered: 07/28/2009)
10/29/2009	<u>2</u>	Set Status Conference: Status Conference set for 11/18/2009 at 11:00 AM before Magistrate Judge Stephen L. Crocker. Counsel for Plaintiff responsible for setting up the call to chambers at (608) 264-5153. [Standing Order Governing Preliminary Pretrial Conference attached] (rep) (Entered: 10/29/2009)
11/04/2009	<u>3</u>	SUMMONS Returned Executed by Plaintiffs Peter Denil, Gerald Nardella, Defendant deBoer Inc.. deBoer Inc. served on 11/2/2009, answer due 11/23/2009. (Burnett, Ralph) (Entered: 11/04/2009)
11/04/2009	<u>4</u>	SUMMONS Returned Executed by Plaintiffs Peter Denil, Gerald Nardella, Defendant deBoer Transportation Inc.. deBoer Transportation Inc. served on 11/2/2009, answer due 11/23/2009. (Burnett, Ralph) (Entered: 11/04/2009)
11/04/2009	<u>5</u>	Summons Returned Unexecuted by Plaintiffs Peter Denil, Gerald Nardella, Defendant deBoer Capital Associates Inc. as to deBoer Capital Associates Inc.. (Burnett, Ralph) (Entered: 11/04/2009)
11/12/2009	<u>6</u>	NOTICE of Appearance filed by Donald Karl Schott for Defendants deBoer Inc., deBoer Transportation Inc. (Attachments: # <u>1</u> Certificate of Service) (Schott, Donald) (Entered: 11/12/2009)
11/12/2009	<u>7</u>	NOTICE of Appearance filed by Matthew J. Duchemin for Defendants deBoer Inc., deBoer Transportation Inc. (Attachments: # <u>1</u> Certificate of Service) (Duchemin, Matthew) (Entered: 11/12/2009)

11/13/2009	8	Stipulated MOTION for Extension of Time to File Answer re 1 Complaint, by Defendants deBoer Inc., deBoer Transportation Inc.. Motions referred to Magistrate Judge Stephen L. Crocker. Response due by 11/20/2009. (Attachments: # 1 Text of Proposed Order, # 2 Certificate of Service) (Duchemin, Matthew) (Entered: 11/13/2009)
11/16/2009	9	** TEXT ONLY ORDER ** ORDER granting 8 Motion for Extension of Time to Answer. deBoer Inc. answer due 12/1/2009; deBoer Transportation Inc. answer due 12/1/2009; deBoer Capital Associates Inc. answer due 12/1/2009. Signed by Magistrate Judge Stephen L. Crocker on 11/16/09. (rep) (Entered: 11/16/2009)
11/19/2009		Minute Entry for proceedings held before Magistrate Judge Stephen L. Crocker: Telephone Status Conference held on 11/18/2009 [15] (cak) (Entered: 11/19/2009)
11/19/2009	10	PRETRIAL CONFERENCE ORDER - Amendments to Pleadings due by 2/1/2010. Dispositive Motions due by 6/4/2010. Motions in Limine due by 9/24/2010. Response to Motion due by 10/1/2010. Final Pretrial Submissions due 9/30/2010. Final Pretrial Conference set for 10/7/2010 at 04:00 PM. Jury Selection and Trial set for 10/18/2010 at 09:00 AM. Signed by Magistrate Judge Stephen L. Crocker on 11/19/09. (rep) (Entered: 11/19/2009)
11/25/2009	11	NOTICE of Appearance filed by Matthew J. Duchemin for Defendant deBoer Capital Associates Inc. (Attachments: # 1 Certificate of Service) (Duchemin, Matthew) (Entered: 11/25/2009)
11/25/2009	12	NOTICE of Appearance filed by Donald Karl Schott for Defendant deBoer Capital Associates Inc. (Attachments: # 1 Certificate of Service) (Schott, Donald) (Entered: 11/25/2009)
12/01/2009	13	ANSWER by Defendants deBoer Inc., deBoer Transportation Inc., deBoer Capital Associates Inc.. (Attachments: # 1 Certificate of Service) (Duchemin, Matthew) (Entered: 12/01/2009)
12/01/2009	14	Corporate Disclosure Statement by Defendant deBoer Inc. (Attachments: # 1 Certificate of Service) (Duchemin, Matthew) (Entered: 12/01/2009)
12/01/2009	15	Corporate Disclosure Statement by Defendant deBoer Capital Associates Inc. (Attachments: # 1 Certificate of Service) (Duchemin, Matthew) (Entered: 12/01/2009)
12/01/2009	16	Corporate Disclosure Statement by Defendant deBoer Transportation Inc. (Attachments: # 1 Certificate of Service) (Duchemin, Matthew) (Entered: 12/01/2009)
12/01/2009	17	SUMMONS Returned Executed by Plaintiffs Peter Denil, Gerald Nardella, Defendant deBoer Capital Associates Inc.. deBoer Capital Associates Inc. served on 11/20/2009, answer due 12/11/2009. (Burnett, Ralph) (Entered: 12/01/2009)
02/01/2010	18	AMENDED COMPLAINT against all defendants, filed by all plaintiffs. (Goehre, Kurt) Modified docket text on 2/1/2010 (krj). Modified on 2/1/2010; asked to file cert. of service. (mmo). (Entered: 02/01/2010)

02/01/2010	19	Request for Issuance of Summons by Plaintiffs Peter Denil, Gerald Nardella. (Goehre, Kurt) (Entered: 02/01/2010)
02/01/2010	20	Certificate of Service by Plaintiffs Peter Denil, Gerald Nardella re 18 Amended Complaint, 19 Request for Issuance of Summons (Goehre, Kurt) (Entered: 02/01/2010)
02/03/2010	21	Summons Issued as to Ronald DeBoer. (rep) (Entered: 02/03/2010)
02/11/2010	22	Joint Stipulation to Extend Time For Response To Amended Complaint by Plaintiffs Peter Denil, Gerald Nardella, Defendants deBoer Inc., deBoer Transportation Inc., Ronald DeBoer, deBoer Capital Associates Inc.. (Attachments: # 1 Text of Proposed Order Proposed Order, # 2 Certificate of Service Certificate of Service) (Duchemin, Matthew) (Entered: 02/11/2010)
02/12/2010	23	** TEXT ONLY ORDER ** ORDER granting 22 Joint Stipulation to Extend Time For Response To Amended Complaint. Response to amended complaint due 2/22/10. Signed by Magistrate Judge Stephen L. Crocker on 2/12/10. (rep) (Entered: 02/12/2010)
02/12/2010		Set/Reset Deadlines: Response to amended complaint due 2/22/2010. (rep) (Entered: 02/12/2010)
02/22/2010	24	ANSWER to Amended Complaint, COUNTERCLAIM against all plaintiffs by Defendants deBoer Inc., deBoer Transportation Inc., deBoer Capital Associates Inc., Plaintiffs Peter Denil, Gerald Nardella. (Attachments: # 1 Certificate of Service) (Duchemin, Matthew) (Entered: 02/22/2010)
02/22/2010	25	ANSWER to Amended Complaint by Defendant Ronald DeBoer. (Attachments: # 1 Certificate of Service) (Duchemin, Matthew) (Entered: 02/22/2010)
03/08/2010	26	ANSWER to Counterclaim by Plaintiffs Peter Denil, Gerald Nardella. (Attachments: # 1 Certificate of Service) (Goehre, Kurt) (Entered: 03/08/2010)
06/01/2010	27	Stipulation to Amend Scheduling Order and Extend Deadline by Plaintiffs Peter Denil, Gerald Nardella. (Attachments: # 1 Proposed Order) (Goehre, Kurt) (Entered: 06/01/2010)
06/01/2010	28	Certificate of Service by Plaintiffs Peter Denil, Gerald Nardella re 27 Stipulation to Amend Scheduling Order and Extend Deadline (Goehre, Kurt) (Entered: 06/01/2010)
06/02/2010	29	** TEXT ONLY ORDER ** ORDER granting 27 Stipulation to Amend Scheduling Order and Extend Deadline. Dispositive Motions due 6/23/2010. Signed by Magistrate Judge Stephen L. Crocker on 6/2/10. (rep) (Entered: 06/02/2010)
06/22/2010	30	Notice of Appearance filed by Matthew J Splitek for Defendants deBoer Inc., deBoer Transportation Inc., Ronald DeBoer, deBoer Capital Associates Inc. (Splitek, Matthew) Modified on 6/23/2010; requested cert. of service. (mmo). (Entered: 06/22/2010)

06/23/2010	31	Certificate of Service by Defendants deBoer Inc., deBoer Transportation Inc., Ronald DeBoer, deBoer Capital Associates Inc. re 30 Notice of Appearance (Splitek, Matthew) (Entered: 06/23/2010)
06/23/2010	32	MOTION FOR SUMMARY JUDGMENT by Defendants deBoer Inc., deBoer Transportation Inc., Ronald DeBoer, deBoer Capital Associates Inc.. Brief in Opposition due 7/14/2010. Brief in Reply due 7/26/2010. (Splitek, Matthew) (Entered: 06/23/2010)
06/23/2010	33	Brief in Support by Defendants deBoer Inc., deBoer Transportation Inc., Ronald DeBoer, deBoer Capital Associates Inc. re: 32 MOTION FOR SUMMARY JUDGMENT filed by Ronald DeBoer, deBoer Capital Associates Inc., deBoer Transportation Inc., deBoer Inc. (Splitek, Matthew) (Entered: 06/23/2010)
06/23/2010	34	Proposed Findings of Fact filed by Defendants deBoer Inc., deBoer Transportation Inc., Ronald DeBoer, deBoer Capital Associates Inc. re: 32 MOTION FOR SUMMARY JUDGMENT filed by Ronald DeBoer, deBoer Capital Associates Inc., deBoer Transportation Inc., deBoer Inc. (Splitek, Matthew) (Entered: 06/23/2010)
06/23/2010	35	Declaration of Matthew J. Splitek filed by Defendants deBoer Inc., deBoer Transportation Inc., Ronald DeBoer, deBoer Capital Associates Inc. re: 32 MOTION FOR SUMMARY JUDGMENT filed by Ronald DeBoer, deBoer Capital Associates Inc., deBoer Transportation Inc., deBoer Inc. (Attachments: # 1 Exhibit A - Selected Pages from Denil Deposition, # 2 Exhibit A - Exhibit 1 to Denil Deposition, # 3 Exhibit A - Exhibit 2 to Denil Deposition, # 4 Exhibit A - Exhibit 3 to Denil Deposition, # 5 Exhibit A - Exhibits 16-17 to Denil Dep., # 6 Exhibit A - Exhibits 20-22 to Denil Dep., # 7 Exhibit A - Exhibits 24, 25, 29 to Denil Dep., # 8 Exhibit B - Selected Pages from Nardella Dep. & Exh. 36, # 9 Exhibit C - Selected Pages from Ron DeBoer Depo., # 10 Exhibit D - Excerpts from Defendants' Supplemental Responses to Plaintiffs' Discovery Requests, # 11 Exhibit E - Selected Pages from Podvin Depo., # 12 Exhibit F - Selected Pages from Condon Depo., # 13 Exhibit G - Selected Pages from Kay DeBoer Deposition) (Splitek, Matthew) (Entered: 06/23/2010)
06/23/2010	36	Declaration of Ronald DeBoer filed by Defendants deBoer Inc., deBoer Transportation Inc., Ronald DeBoer, deBoer Capital Associates Inc. re: 32 MOTION FOR SUMMARY JUDGMENT filed by Ronald DeBoer, deBoer Capital Associates Inc., deBoer Transportation Inc., deBoer Inc. (Splitek, Matthew) (Entered: 06/23/2010)
06/23/2010	37	Certificate of Service by Defendants deBoer Inc., deBoer Transportation Inc., Ronald DeBoer, deBoer Capital Associates Inc. re 32 MOTION FOR SUMMARY JUDGMENT, 33 Brief in Support, 35 Declaration,,,, 34 Proposed Findings of Fact, 36 Declaration, (Splitek, Matthew) (Entered: 06/23/2010)
06/23/2010	38	MOTION FOR PARTIAL SUMMARY JUDGMENT by Plaintiffs Peter Denil, Gerald Nardella. Brief in Opposition due 7/14/2010. Brief in Reply due

		7/26/2010. (Goehre, Kurt) (Entered: 06/23/2010)
06/23/2010	39	Brief in Support by Plaintiffs Peter Denil, Gerald Nardella re: 38 MOTION FOR PARTIAL SUMMARY JUDGMENT filed by Peter Denil, Gerald Nardella (Goehre, Kurt) (Entered: 06/23/2010)
06/23/2010	40	Proposed Findings of Fact filed by Plaintiffs Peter Denil, Gerald Nardella re: 38 MOTION FOR PARTIAL SUMMARY JUDGMENT filed by Peter Denil, Gerald Nardella (Goehre, Kurt) (Entered: 06/23/2010)
06/23/2010	41	Declaration of Kurt A. Goehre filed by Plaintiffs Peter Denil, Gerald Nardella re: 38 MOTION FOR PARTIAL SUMMARY JUDGMENT filed by Peter Denil, Gerald Nardella (Attachments: # 1 Deposition Transcript of Ronald DeBoer, # 2 Deposition Transcript of Peter Denil, # 3 Deposition Transcript of Gerald Nardella, # 4 Exhibit Copy of June 16, 2008 email, # 5 Exhibit Copy of September 5, 2008 Proposal, # 6 Exhibit Deposition Transcript of Francis Podvin, # 7 Exhibit Copy of October 8, 2008 email, # 8 Exhibit Copy of October 13, 2008 email and Letter of Understanding, # 9 Exhibit Copy of October 16, 2008 email, # 10 Exhibit Copy of Gerald Nardella's Employment Agreement, # 11 Exhibit Copy of Peter Denil's Employment Agreement, # 12 Exhibit Copy of Executed Stock Purchase Agreement, # 13 Exhibit Copy of email dated October 17, 2008 with draft of Buy-Sell Agreement, # 14 Exhibit Copy of email dated January 14, 2009 with draft of Buy-Sell Agreement, # 15 Exhibit Copy of email dated April 8, 2009, # 16 Exhibit Copy of email and January 30, 2009 draft of Buy-Sell Agreement, # 17 Exhibit Copy of email and February 20, 2009 draft of Buy-Sell Agreement, # 18 Exhibit Copy of email dated March 17, 2009, # 19 Exhibit Copy of email and March 19, 2009 draft of Buy-Sell Agreement, # 20 Exhibit Copy of notes dated April 13, 2009, # 21 Exhibit Copy of notes dated April 15, 2009, # 22 Exhibit Copy of Plaintiffs' plan for April 15, 2009 meeting, # 23 Exhibit Copy of Plaintiffs' detailed list for meeting on April 15, 2009, # 24 Exhibit Copy of email dated June 26, 2008, # 25 Exhibit Copy of email dated July 30, 2008, # 26 Exhibit Copy of email dated August 21, 2008, # 27 Exhibit Copy of email dated July 8, 2008, # 28 Exhibit Defendants' Answer to First Amended Complaint, # 29 Exhibit Copy of email and October 16, 2008 draft of Stock Purchase Agreement, # 30 Exhibit Copy of email and October 23, 2008 draft of Stock Purchase Agreement) (Goehre, Kurt) (Entered: 06/23/2010)
06/23/2010	42	Declaration of Peter Denil filed by Plaintiffs Peter Denil, Gerald Nardella re: 38 MOTION FOR PARTIAL SUMMARY JUDGMENT filed by Peter Denil, Gerald Nardella (Goehre, Kurt) (Entered: 06/23/2010)

06/23/2010	43	Declaration of Gerald Nardella filed by Plaintiffs Peter Denil, Gerald Nardella re: 38 MOTION FOR PARTIAL SUMMARY JUDGMENT filed by Peter Denil, Gerald Nardella (Goehre, Kurt) (Entered: 06/23/2010)
06/23/2010	44	Certificate of Service by Plaintiffs Peter Denil, Gerald Nardella re 41 Declaration, 42 Declaration, 38 MOTION FOR PARTIAL SUMMARY JUDGMENT, 40 Proposed Findings of Fact, 39 Brief in Support, 43 Declaration (Goehre, Kurt) Modified on 6/24/2010 (mmo). (Entered: 06/23/2010)
07/14/2010	45	Brief in Opposition by Defendants deBoer Inc., deBoer Transportation Inc., Ronald DeBoer, deBoer Capital Associates Inc. re: 38 MOTION FOR PARTIAL SUMMARY JUDGMENT filed by Peter Denil, Gerald Nardella (Splitek, Matthew) (Entered: 07/14/2010)
07/14/2010	46	Response to Proposed Findings of Fact filed by Defendants deBoer Inc., deBoer Transportation Inc., Ronald DeBoer, deBoer Capital Associates Inc. re: 38 MOTION FOR PARTIAL SUMMARY JUDGMENT filed by Peter Denil, Gerald Nardella (Splitek, Matthew) (Entered: 07/14/2010)
07/14/2010	47	Proposed Findings of Fact filed by Defendants deBoer Inc., deBoer Transportation Inc., Ronald DeBoer, deBoer Capital Associates Inc. re: 38 MOTION FOR PARTIAL SUMMARY JUDGMENT filed by Peter Denil, Gerald Nardella (Splitek, Matthew) (Entered: 07/14/2010)
07/14/2010	48	Disregard-refiled as doc. #62; Second Declaration Splitek; asked to refile with exhibits attached separately with a brief description for each one (mmo). (Entered: 07/14/2010)
07/14/2010	49	Brief in Opposition by Plaintiffs Peter Denil, Gerald Nardella re: 32 MOTION FOR SUMMARY JUDGMENT filed by Ronald DeBoer, deBoer Capital Associates Inc., deBoer Transportation Inc., deBoer Inc. (Goehre, Kurt) (Entered: 07/14/2010)
07/14/2010	50	Second Declaration of Ronald DeBoer filed by Defendants deBoer Inc., deBoer Transportation Inc., Ronald DeBoer, deBoer Capital Associates Inc. re: 38 MOTION FOR PARTIAL SUMMARY JUDGMENT filed by Peter Denil, Gerald Nardella (Splitek, Matthew) (Entered: 07/14/2010)
07/14/2010	51	Response to Proposed Findings of Fact filed by Plaintiffs Peter Denil, Gerald Nardella re: 32 MOTION FOR SUMMARY JUDGMENT filed by Ronald DeBoer, deBoer Capital Associates Inc., deBoer Transportation Inc., deBoer Inc. (Goehre, Kurt) (Entered: 07/14/2010)
07/14/2010	52	Declaration of Kay DeBoer filed by Defendants deBoer Inc., deBoer Transportation Inc., Ronald DeBoer, deBoer Capital Associates Inc. re: 38 MOTION FOR PARTIAL SUMMARY JUDGMENT filed by Peter Denil, Gerald Nardella (Attachments: # 1 Exhibit A-Notes from 11/3/08 strategy meeting) (Splitek, Matthew) Modified on 7/15/2010; added exhibit description (mmo). (Entered: 07/14/2010)
07/14/2010	53	Supplemental Proposed Findings of Fact filed by Plaintiffs Peter Denil, Gerald Nardella re: 32 MOTION FOR SUMMARY JUDGMENT filed by Ronald DeBoer, deBoer Capital Associates Inc., deBoer Transportation Inc., deBoer Inc. (Goehre, Kurt) (Entered: 07/14/2010)



07/14/2010	54	Declaration of John A. Damrau filed by Defendants deBoer Inc., deBoer Transportation Inc., Ronald DeBoer, deBoer Capital Associates Inc. re: 38 MOTION FOR PARTIAL SUMMARY JUDGMENT filed by Peter Denil, Gerald Nardella (Splitek, Matthew) (Entered: 07/14/2010)
07/14/2010	55	Declaration of Larry Hartung filed by Defendants deBoer Inc., deBoer Transportation Inc., Ronald DeBoer, deBoer Capital Associates Inc. re: 38 MOTION FOR PARTIAL SUMMARY JUDGMENT filed by Peter Denil, Gerald Nardella (Splitek, Matthew) (Entered: 07/14/2010)
07/14/2010	56	Declaration of David A. Anderson filed by Defendants deBoer Inc., deBoer Transportation Inc., Ronald DeBoer, deBoer Capital Associates Inc. re: 38 MOTION FOR PARTIAL SUMMARY JUDGMENT filed by Peter Denil, Gerald Nardella (Splitek, Matthew) (Entered: 07/14/2010)
07/14/2010	57	Declaration of Francis J. Podvin filed by Defendants deBoer Inc., deBoer Transportation Inc., Ronald DeBoer, deBoer Capital Associates Inc. re: 38 MOTION FOR PARTIAL SUMMARY JUDGMENT filed by Peter Denil, Gerald Nardella (Attachments: # 1 Exhibit A-10/22/08 Email and attachment) (Splitek, Matthew) Modified on 7/15/2010; added exhibit description (mmo). (Entered: 07/14/2010)
07/14/2010	58	Declaration of Rose Donnerbauer filed by Defendants deBoer Inc., deBoer Transportation Inc., Ronald DeBoer, deBoer Capital Associates Inc. re: 38 MOTION FOR PARTIAL SUMMARY JUDGMENT filed by Peter Denil, Gerald Nardella (Attachments: # 1 Exhibit A-10/6/08 Email and attachment) (Splitek, Matthew) Modified on 7/15/2010; added exhibit description (mmo). (Entered: 07/14/2010)
07/14/2010	59	Second Declaration of Kurt A. Goehre filed by Plaintiffs Peter Denil, Gerald Nardella <i>In Opposition</i> re: 32 MOTION FOR SUMMARY JUDGMENT filed by Ronald DeBoer, deBoer Capital Associates Inc., deBoer Transportation Inc., deBoer Inc. (Attachments: # 1 Exhibit Kay DeBoer's handwritten notes, # 2 Exhibit Deposition of Gerald C. Condon, # 3 Exhibit Minutes of special meeting of Board of Directors and Shareholders dated April 24, 2009, # 4 Exhibit Deposition of Ronald DeBoer, # 5 Exhibit Pete Denil's notes from February 24, 2009 phone call with Ronald DeBoer, # 6 Exhibit Email from Pete Denil to Francis Podvin, # 7 Exhibit Deposition of Peter Denil, # 8 Exhibit Handwritten notes from Shareholder's meeting of April 16, 2009) (Goehre, Kurt) (Entered: 07/14/2010)
07/14/2010	60	Certificate of Service by Defendants deBoer Inc., deBoer Transportation Inc., Ronald DeBoer, deBoer Capital Associates Inc. re 45 Brief in Opposition, 58 Declaration, 46 Response to Proposed Findings of Fact, 48 Declaration, 54 Declaration, 56 Declaration, 52 Declaration, 47 Proposed Findings of Fact, 57 Declaration, 55 Declaration, 50 Declaration (Splitek, Matthew) (Entered: 07/14/2010)

07/14/2010	61	Certificate of Service by Plaintiffs Peter Denil, Gerald Nardella re 51 Response to Proposed Findings of Fact, 53 Proposed Findings of Fact, 59 Declaration,,, 49 Brief in Opposition (Goehre, Kurt) (Entered: 07/14/2010)
07/15/2010	62	Second Declaration of Matthew J. Splitek filed by Defendants deBoer Inc., deBoer Transportation Inc., Ronald DeBoer, deBoer Capital Associates Inc. re: 38 MOTION FOR PARTIAL SUMMARY JUDGMENT filed by Peter Denil, Gerald Nardella (Attachments: # 1 Exhibit A - Emails produced by Plaintiffs, # 2 Exhibit B - Email produced by Plaintiffs, # 3 Exhibit C - Pages from deposition of Francis J. Podvin, # 4 Exhibit D - Email marked as Exhibit 58 at deposition of Francis J. Podvin, # 5 Exhibit E - Memorandum marked as Exhibit 59 at the deposition of Francis J. Podvin, # 6 Exhibit F - pages from the deposition of Peter J. Denil, # 7 Exhibit G - pages from the deposition of John A. Damrau, # 8 Exhibit H - pages from Plaintiffs' Response to Defendants First Set of Written Discovery Requests) (Splitek, Matthew) Modified on 7/16/2010; exhibit description (mmo). (Entered: 07/15/2010)
07/15/2010	63	Certificate of Service by Defendants deBoer Inc., deBoer Transportation Inc., Ronald DeBoer, deBoer Capital Associates Inc. re 62 Declaration,,, (Splitek, Matthew) (Entered: 07/15/2010)
07/26/2010	64	Brief in Reply in Support re: 32 MOTION FOR SUMMARY JUDGMENT filed by Ronald DeBoer, deBoer Capital Associates Inc., deBoer Transportation Inc., deBoer Inc. (Splitek, Matthew) (Entered: 07/26/2010)
07/26/2010	65	Reply in Support of Proposed Findings of Fact filed by Defendants deBoer Inc., deBoer Transportation Inc., Ronald DeBoer, deBoer Capital Associates Inc. re: 32 MOTION FOR SUMMARY JUDGMENT filed by Ronald DeBoer, deBoer Capital Associates Inc., deBoer Transportation Inc., deBoer Inc. (Splitek, Matthew) (Entered: 07/26/2010)
07/26/2010	66	Response to Proposed Findings of Fact filed by Defendants deBoer Inc., deBoer Transportation Inc., Ronald DeBoer, deBoer Capital Associates Inc. re: 32 MOTION FOR SUMMARY JUDGMENT filed by Ronald DeBoer, deBoer Capital Associates Inc., deBoer Transportation Inc., deBoer Inc. (Splitek, Matthew) (Entered: 07/26/2010)
07/26/2010	67	Third Declaration of Matthew J. Splitek filed by Defendants deBoer Inc., deBoer Transportation Inc., Ronald DeBoer, deBoer Capital Associates Inc. re: 32 MOTION FOR SUMMARY JUDGMENT filed by Ronald DeBoer, deBoer Capital Associates Inc., deBoer Transportation Inc., deBoer Inc. (Attachments: # 1 Exhibit A - Select Pages from Deposition of Kay DeBoer) (Splitek, Matthew) (Entered: 07/26/2010)
07/26/2010	68	Third Declaration of Ronald DeBoer filed by Defendants deBoer Inc., deBoer Transportation Inc., Ronald DeBoer, deBoer Capital Associates Inc. re: 32 MOTION FOR SUMMARY JUDGMENT filed by Ronald DeBoer, deBoer Capital Associates Inc., deBoer Transportation Inc., deBoer Inc. (Splitek, Matthew) (Entered: 07/26/2010)

07/26/2010	69	Declaration of Brent R. Drapeau filed by Defendants deBoer Inc., deBoer Transportation Inc., Ronald DeBoer, deBoer Capital Associates Inc. re: 32 MOTION FOR SUMMARY JUDGMENT filed by Ronald DeBoer, deBoer Capital Associates Inc., deBoer Transportation Inc., deBoer Inc. (Splitek, Matthew) (Entered: 07/26/2010)
07/26/2010	70	Certificate of Service by Defendants deBoer Inc., deBoer Transportation Inc., Ronald DeBoer, deBoer Capital Associates Inc. re 65 Reply in Support of Proposed Findings of Fact, 68 Declaration, 67 Declaration, 66 Response to Proposed Findings of Fact, 64 Brief in Reply, 69 Declaration, (Splitek, Matthew) (Entered: 07/26/2010)
07/26/2010	71	Brief in Reply in Support re: 38 MOTION FOR PARTIAL SUMMARY JUDGMENT filed by Peter Denil, Gerald Nardella (Goehre, Kurt) (Entered: 07/26/2010)
07/26/2010	72	Declaration of Kurt A. Goehre filed by Plaintiffs Peter Denil, Gerald Nardella re: 38 MOTION FOR PARTIAL SUMMARY JUDGMENT filed by Peter Denil, Gerald Nardella (Attachments: # 1 Exhibit A-Feb. 28, 2008 correspondence pertaining to 2007 liability, # 2 Exhibit B- Plaintiffs' Supplemental Responses to Defendants' First Set of Written Discovery Requests, # 3 Exhibit C-Deposition of Ronald DeBoer, # 4 Exhibit D-Deposition of Francis J. Podvin) (Goehre, Kurt) Modified on 7/27/2010; added exhibit Letters. (mmo). (Entered: 07/26/2010)
07/26/2010	73	Second Declaration of Peter Denil filed by Plaintiffs Peter Denil, Gerald Nardella re: 38 MOTION FOR PARTIAL SUMMARY JUDGMENT filed by Peter Denil, Gerald Nardella (Attachments: # 1 Exhibit December 18, 2008 email from Peter Denil to Francis Podvin) (Goehre, Kurt) (Entered: 07/26/2010)
07/26/2010	74	Second Declaration of Gerald Nardella filed by Plaintiffs Peter Denil, Gerald Nardella re: 38 MOTION FOR PARTIAL SUMMARY JUDGMENT filed by Peter Denil, Gerald Nardella (Goehre, Kurt) (Entered: 07/26/2010)
07/26/2010	75	Declaration of Janice Nardella filed by Plaintiffs Peter Denil, Gerald Nardella re: 38 MOTION FOR PARTIAL SUMMARY JUDGMENT filed by Peter Denil, Gerald Nardella (Goehre, Kurt) (Entered: 07/26/2010)
07/26/2010	76	Supplemental Response to Proposed Findings of Fact filed by Plaintiffs Peter Denil, Gerald Nardella re: 38 MOTION FOR PARTIAL SUMMARY JUDGMENT filed by Peter Denil, Gerald Nardella (Goehre, Kurt) (Entered: 07/26/2010)
07/26/2010	77	Reply in Support of Proposed Findings of Fact filed by Plaintiffs Peter Denil, Gerald Nardella re: 38 MOTION FOR PARTIAL SUMMARY JUDGMENT filed by Peter Denil, Gerald Nardella (Goehre, Kurt) (Entered: 07/26/2010)
07/26/2010	78	Certificate of Service by Plaintiffs Peter Denil, Gerald Nardella re 74 Declaration, 76 Response to Proposed Findings of Fact, 72 Declaration, 77 Reply in Support of Proposed Findings of Fact, 73 Declaration, 75 Declaration, 71 Brief in Reply (Goehre, Kurt) (Entered: 07/26/2010)

08/02/2010	79	Stipulated Motion for Protective Order by Defendants deBoer Inc., deBoer Transportation Inc., Ronald DeBoer, deBoer Capital Associates Inc.. (Attachments: # 1 Text of Proposed Order Order, # 2 Exhibit Exhibit A to Stipulated Protective Order) (Splitek, Matthew) (Entered: 08/02/2010)
08/02/2010	80	Certificate of Service by Defendants deBoer Inc., deBoer Transportation Inc., Ronald DeBoer, deBoer Capital Associates Inc. (Splitek, Matthew) (Entered: 08/02/2010)
08/03/2010	81	** TEXT ONLY ORDER ** The parties' stipulated protective order 79 is accepted and entered with this edit: on page 2, line 2, the phrase "that party in good faith believes" is deleted so that the definition of "confidential material" is objective, not subjective, as required by circuit law. Signed by Magistrate Judge Stephen L. Crocker on 8/3/10. (rep) Modified on 9/1/2010 (llj). (Entered: 08/03/2010)
08/30/2010	82	Motion to Strike <i>Expert Witness Testimony</i> by Defendants deBoer Inc., deBoer Transportation Inc., Ronald DeBoer, deBoer Capital Associates Inc..Response due 9/7/2010. (Splitek, Matthew) (Entered: 08/30/2010)
08/30/2010	83	Brief in Support by Defendants deBoer Inc., deBoer Transportation Inc., Ronald DeBoer, deBoer Capital Associates Inc. re: 82 Motion to Strike <i>Expert Witness Testimony</i> filed by Ronald DeBoer, deBoer Capital Associates Inc., deBoer Transportation Inc., deBoer Inc. (Splitek, Matthew) (Entered: 08/30/2010)
08/30/2010	84	Declaration of Matthew J. Duchemin filed by Defendants deBoer Inc., deBoer Transportation Inc., Ronald DeBoer, deBoer Capital Associates Inc. re: 82 Motion to Strike <i>Expert Witness Testimony</i> filed by Ronald DeBoer, deBoer Capital Associates Inc., deBoer Transportation Inc., deBoer Inc. (Attachments: # 1 Exhibit A - Disclosure of Expert Witness dated 7.1.10, # 2 Exhibit B - 8.4.10 Deposition of S. Bischel, # 3 Exhibit C - S. Bischel Expert Report, # 4 Exhibit D - 5.18.10 Deposition of P. Denil) (Splitek, Matthew) Modified on 8/31/2010; asked to refile depositions of Denil and Bischel as separate documents. Expert report/Expert witness are plaintiff's. Modified on 8/31/2010 (mmo). (Entered: 08/30/2010)
08/30/2010	85	Certificate of Service by Defendants deBoer Inc., deBoer Transportation Inc., Ronald DeBoer, deBoer Capital Associates Inc. re 82 Motion to Strike <i>Expert Witness Testimony</i> (Splitek, Matthew) (Entered: 08/30/2010)
08/31/2010	86	Deposition of Peter Denil taken on May 18, 2010 (Splitek, Matthew) (Entered: 08/31/2010)
08/31/2010	87	Deposition of Stephen Bischel taken on August 4, 2010 (Splitek, Matthew) (Entered: 08/31/2010)
08/31/2010	88	Deposition of Gerald Nardella taken on May 18, 2010 (Splitek, Matthew) (Entered: 08/31/2010)
08/31/2010	89	Deposition of Gerald Condon taken on May 26, 2010 (Splitek, Matthew) (Entered: 08/31/2010)

08/31/2010	90	Deposition of John A. Damrau taken on 5/19/10 (Goehre, Kurt) (Entered: 08/31/2010)
08/31/2010	91	Deposition of Ronald DeBoer taken on 05/19/10 (Goehre, Kurt) (Entered: 08/31/2010)
08/31/2010	92	Deposition of Kay DeBoer taken on 05/19/10 (Goehre, Kurt) (Entered: 08/31/2010)
08/31/2010	93	Deposition of Francis J. Podvin taken on 06/10/10 (Goehre, Kurt) (Entered: 08/31/2010)
09/07/2010	94	Brief in Opposition by Plaintiffs Peter Denil, Gerald Nardella re: 82 Motion to Strike <i>Expert Witness Testimony</i> filed by Ronald DeBoer, deBoer Capital Associates Inc., deBoer Transportation Inc., deBoer Inc. (Goehre, Kurt) (Entered: 09/07/2010)
09/07/2010	95	Declaration of Kurt A. Goehre filed by Plaintiffs Peter Denil, Gerald Nardella re: 82 Motion to Strike <i>Expert Witness Testimony</i> filed by Ronald DeBoer, deBoer Capital Associates Inc., deBoer Transportation Inc., deBoer Inc. (Attachments: # 1 Exhibit Excerpts from deposition of Stephen J. Bischel, # 2 Exhibit CV of Stephen J. Bischel, # 3 Exhibit Report from Stephen J. Bischel, # 4 Exhibit Excerpts from Deposition of Peter Denil, # 5 Exhibit Exerpts from Deposition of Gerald Nardella, # 6 Exhibit Excerpts from Deposition of William O. Evenson, # 7 Exhibit Plaintiffs' First Set of Discovery Requests) (Goehre, Kurt) (Entered: 09/07/2010)
09/07/2010	96	Declaration of Stephen J. Bischel filed by Plaintiffs Peter Denil, Gerald Nardella re: 82 Motion to Strike <i>Expert Witness Testimony</i> filed by Ronald DeBoer, deBoer Capital Associates Inc., deBoer Transportation Inc., deBoer Inc. (Goehre, Kurt) (Entered: 09/07/2010)
09/07/2010	97	Declaration of Peter Denil filed by Plaintiffs Peter Denil, Gerald Nardella re: 82 Motion to Strike <i>Expert Witness Testimony</i> filed by Ronald DeBoer, deBoer Capital Associates Inc., deBoer Transportation Inc., deBoer Inc. (Attachments: # 1 Exhibit Internal Memorandum, # 2 Exhibit Press Release, # 3 Exhibit Internal Driver Announcement) (Goehre, Kurt) (Entered: 09/07/2010)
09/07/2010	98	Declaration of Gerald Nardella filed by Plaintiffs Peter Denil, Gerald Nardella re: 82 Motion to Strike <i>Expert Witness Testimony</i> filed by Ronald DeBoer, deBoer Capital Associates Inc., deBoer Transportation Inc., deBoer Inc. (Goehre, Kurt) (Entered: 09/07/2010)
09/07/2010	99	Certificate of Service by Plaintiffs Peter Denil, Gerald Nardella re 98 Declaration, 94 Brief in Opposition, 97 Declaration, 96 Declaration, 95 Declaration,, (Goehre, Kurt) (Entered: 09/07/2010)
09/14/2010	100	Deposition of William O. Evenson taken on 09-02-10 (Goehre, Kurt) (Entered: 09/14/2010)

09/16/2010	<u>101</u>	Joint Stipulation to Extend Discovery Deadline by Plaintiffs Peter Denil, Gerald Nardella. (Goehre, Kurt) (Entered: 09/16/2010)
09/16/2010	<u>102</u>	Notice of Withdrawal of Motion by Defendants deBoer Inc., deBoer Transportation Inc., Ronald DeBoer, deBoer Capital Associates Inc. re <u>101</u> Joint Stipulation to Extend Discovery Deadline filed by Peter Denil, Gerald Nardella. (Splitek, Matthew) (Entered: 09/16/2010)
09/22/2010	<u>103</u>	ORDER granting <u>32</u> Motion for Summary Judgment. ; granting in part and denying in part <u>38</u> Motion for Partial Summary Judgment ; denying as unnecessary <u>82</u> Motion to Exclude Expert Testimony. Signed by District Judge Barbara B. Crabb on 9/22/10. (rep) (Entered: 09/22/2010)
09/23/2010	<u>104</u>	JUDGMENT entered granting defendants' motion for summary judgment and dismissing all of plaintiffs' claims and granting plaintiffs' motion for partial summary judgment and dismissing defendants' counterclaims. (PAO). (rep) (Entered: 09/23/2010)
09/29/2010	 <u>105</u>	Bill of Costs by Defendants deBoer Inc., deBoer Transportation Inc., Ronald DeBoer, deBoer Capital Associates Inc.. Motions referred to Magistrate Judge Stephen L. Crocker. Objection to Bill of Costs due 10/12/2010. Brief in Support to Bill of Costs due 10/19/2010. Brief in Reply in Opposition to Bill of Costs due 10/25/2010. (Splitek, Matthew) (Entered: 09/29/2010)
09/29/2010	<u>106</u>	Declaration of Matthew J. Splitek filed by Defendants deBoer Inc., deBoer Transportation Inc., Ronald DeBoer, deBoer Capital Associates Inc. re: <u>105</u> Bill of Costs filed by Ronald DeBoer, deBoer Capital Associates Inc., deBoer Transportation Inc., deBoer Inc. (Attachments: # <u>1</u> Exhibit In-House Copy Costs, # <u>2</u> Exhibit Outside Vendor Copy Costs, # <u>3</u> Exhibit Deposition Costs) (Splitek, Matthew) (Entered: 09/29/2010)
09/30/2010	<u>107</u>	NOTICE OF APPEAL by Plaintiffs Peter Denil, Gerald Nardella, Counter Defendants Peter Denil, Gerald Nardella as to <u>104</u> Judgment. Filing fee of \$ 455, receipt number 0758000000000626200 paid. Docketing Statement filed. (Attachments: # <u>1</u> Docketing Statement) (Burnett, Ralph) (Entered: 09/30/2010)
09/30/2010	<u>108</u>	Appeal Information Packet (mmo) (Entered: 09/30/2010)
09/30/2010	<u>109</u>	Transmission of Notice of Appeal, Docketing Statement, Appeal Information Sheet, Docket Sheet and Judgment to US Court of Appeals re <u>107</u> Notice of Appeal, (Attachments: # <u>1</u> Info Sheet, # <u>2</u> Docketing Statement, # <u>3</u> Order, # <u>4</u> Judgment, # <u>5</u> Docket Sheet) (mmo) (Entered: 09/30/2010)
10/01/2010	 <u>110</u>	Bill of Costs by Plaintiffs Peter Denil, Gerald Nardella. Motions referred to Magistrate Judge Stephen L. Crocker. Objection to Bill of Costs due 10/12/2010. Brief in Support to Bill of Costs due 10/21/2010. Brief in Reply in Opposition to Bill of Costs due 10/26/2010. (Goehre, Kurt) (Entered: 10/01/2010)

10/01/2010	<u>111</u>	Declaration of Kurt A. Goehre filed by Plaintiffs Peter Denil, Gerald Nardella re: <u>110</u> Bill of Costs filed by Peter Denil, Gerald Nardella (Attachments: # <u>1</u> Exhibit Filing Fee to Clerk, # <u>2</u> Exhibit Service Fees, # <u>3</u> Exhibit Deposition fees) (Goehre, Kurt) (Entered: 10/01/2010)
10/05/2010	<u>112</u>	Transcript Request Form by Plaintiffs Peter Denil, Gerald Nardella re <u>107</u> Notice of Appeal, (Goehre, Kurt) (Entered: 10/05/2010)
10/06/2010	<u>113</u>	Objection to Bill of Costs by Defendants deBoer Inc., deBoer Transportation Inc., Ronald DeBoer, deBoer Capital Associates Inc. re: <u>110</u> Bill of Costs filed by Peter Denil, Gerald Nardella (Splitek, Matthew) (Entered: 10/06/2010)
10/06/2010	<u>114</u>	Declaration of Matthew J. Splitek filed by Defendants deBoer Inc., deBoer Transportation Inc., Ronald DeBoer, deBoer Capital Associates Inc. re: <u>110</u> Bill of Costs filed by Peter Denil, Gerald Nardella (Attachments: # <u>1</u> Exhibit Defendants Supplemental Rule 26(a)(1) Initial Disclosures, # <u>2</u> Exhibit Plaintiffs' [Supplemental] Rule 26 Initial Disclosures) (Splitek, Matthew) (Entered: 10/06/2010)
10/06/2010	<u>115</u>	Certificate of Service by Defendants deBoer Inc., deBoer Transportation Inc., Ronald DeBoer, deBoer Capital Associates Inc. re <u>113</u> Objection to Bill of Costs, <u>114</u> Declaration, (Splitek, Matthew) (Entered: 10/06/2010)
10/19/2010	<u>116</u>	Brief in Support re: <u>110</u> Bill of Costs filed by Peter Denil, Gerald Nardella (Goehre, Kurt) Modified on 10/22/2010 (rep). (Entered: 10/19/2010)
10/19/2010	<u>117</u>	Declaration of Kurt A. Goehre filed by Plaintiffs Peter Denil, Gerald Nardella re: <u>110</u> Bill of Costs filed by Peter Denil, Gerald Nardella (Attachments: # <u>1</u> Exhibit American Jurisprudence, Second Edition) (Goehre, Kurt) (Entered: 10/19/2010)
10/22/2010	<u>118</u>	CROSS NOTICE OF APPEAL by Counter Claimants deBoer Inc., deBoer Transportation Inc., deBoer Capital Associates Inc. as to <u>104</u> Judgment. Filing fee of \$ 455, receipt number 07580000000000642950 paid. Docketing Statement filed. (Attachments: # <u>1</u> Docketing Statement) (Duchemin, Matthew) (Entered: 10/22/2010)